

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

LISA A. ARDINO, on behalf of
herself and all others
similarly situated,

Plaintiff,

v.

LYONS, DOUGHTY & VELDHUIS,
P.C.,

Defendant.

Civil No. 11-848 (NLH/KMW)

ORDER

HILLMAN, District Judge

For the reasons expressed in the Court's Opinion entered on this date,

IT IS HEREBY ORDERED this 14th day of December, 2011, that Defendant Lyons, Doughty and Veldhuis, P.C.'s motion [Doc. No. 5] to dismiss Plaintiff's complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) complaint shall be, and hereby is, **GRANTED IN PART** and **DENIED IN PART**; and it is further

ORDERED that Defendant's motion is **GRANTED** with respect to the claims alleged in Count I of Plaintiff's complaint regarding an alleged violation of 15 U.S.C. § 1692g(a)(5); and it is further

ORDERED that Count I of Plaintiff's complaint shall be, and hereby is, **DISMISSED WITH PREJUDICE**; and it is further

ORDERED that Defendant's motion is **GRANTED** with respect to that portion of Count II of Plaintiff's complaint that alleges a

violation of 15 U.S.C. § 1692e(10) based on Defendant's December 16, 2010 collection letter; and it is further

ORDERED that the portion of Count II which is based on the December 16, 2010 collection letter shall be, and hereby is, **DISMISSED WITH PREJUDICE**; and it is further

ORDERED that Defendant's motion is **GRANTED** with respect to Plaintiff's requests for declaratory and injunctive relief; and it is further

ORDERED that Plaintiff's requests for declaratory and injunctive relief under the Fair Debt Collection Practices Act shall be, and hereby are, **DISMISSED WITH PREJUDICE**; and it is further

ORDERED that Defendant's motion is **DENIED WITHOUT PREJUDICE** with respect to that portion of Count II of Plaintiff's complaint that alleges a violation of 15 U.S.C. § 1692e(10) based on Defendant's January 28, 2011 letter and its enclosures; and it is further

ORDERED that Defendant's motion is **GRANTED** with respect to Plaintiff's class action allegations as they relate to the surviving portion of Count II; and it is further

ORDERED that Plaintiff's class action claims relating to the surviving portion of Count II shall be, and hereby are, **DISMISSED WITHOUT PREJUDICE**.

At Camden, New Jersey

/s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.